Legal Services Society

Service Plan

2004/2005 – 2006/2007

Making a difference through leadership, respect, and working with others.

Legal Services Society

British Columbia
http://www.lss.bc.ca

Letter from the Board Chair

December 12, 2003

Hon. Geoff Plant, QC
Attorney General and
Minister Responsible for Treaty Negotiations
Province of British Columbia
PO Box 9044
STN PROV GOVT
Victoria, BC V8W 9E2

Dear Mr. Attorney:

On behalf of the board of directors and employees of the Legal Services Society (LSS), I am pleased to present our service plan for 2004/2005 – 2006/2007.

LSS has been providing legal services to people with low incomes in British Columbia for more than 20 years. Over the past year, while continuing to ensure eligible applicants receive legal representation, we have implemented several groundbreaking initiatives — such as the family duty counsel and LawLINE projects — that are helping many clients resolve their legal problems without going to court. At the same time, we have been successfully streamlining many of our administrative procedures. For instance, we have electronically processed almost 9,000 invoices since launching our E-Billing initiative in July 2003.

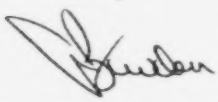
The enclosed service plan identifies a number of strengths and opportunities that will enhance our ability to provide effective legal services in the future. Perhaps the society's most important strength is its staff and board members, all of whom are engaged, caring, and knowledgeable. The professional and committed culture this creates is fundamental to the society's success and will be a primary focus over the next three years. Another strength is the society's high regard among its justice system partners as a credible and enterprising organization focused on clients. We will continue to work closely with stakeholders in the pursuit of our vision, which is to ensure the province has "an innovative, collaborative legal aid system responding to the needs of low income people throughout BC."

This service plan also identifies a number of challenges currently facing LSS. After restructuring in 2002, the society is still evaluating, and learning how best to utilize, its new service delivery system. We continue to establish and refine management processes,

and the plan anticipates these will be fully functional within the next two years. Workload and capacity challenges for both staff and tariff lawyers are also critical issues addressed in this plan.

Despite ongoing challenges, the society's accomplishments over the past 18 months have exceeded all expectations. Much credit for this goes to the LSS staff, who are dedicated to developing the best legal aid services for clients. We acknowledge as well the support and contributions of our stakeholders, the members of the private bar and the judiciary, anti-poverty advocates, government officials, and a wide range of other service providers. I am confident LSS will continue to play a key role in helping the government ensure all British Columbians are treated with dignity and respect, and have access to an efficient, fair, and affordable justice system.

Yours truly,



Greg Bowden, QC
Chair, LSS Board of Directors

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Introduction

Legal aid is now recognized as an essential guarantor of key values and principles that underpin a modern civil society and system of democratic governance, including fairness, equality under the law, and compassion for those in need. In this way, legal aid contributes to the development of a just society.

In Canada, every province and territory provides legal aid to its less fortunate citizens. Providing legal aid services to those in need increases the overall efficiency and effectiveness of British Columbia's justice system by ensuring that citizens receive necessary information and, where appropriate, representation.

As the primary service provider in the legal aid system in British Columbia, the Legal Services Society is a vital partner in ensuring that British Columbians have a fair and efficient justice system. This 2004/2005 – 2006/2007 service plan demonstrates the society's commitment to developing innovative and collaborative legal aid and legal information programs to fulfil its mandated role.

Organization Overview

The Legal Services Society is an independent non-profit organization established by the provincial government in 1979 to provide legal aid services in British Columbia.

Governance

LSS is managed by a nine-member board of directors; five directors are appointed by the Lieutenant Governor, and four are appointed by the Law Society of BC. At December 1, 2003, the following people made up the board:

- Gregory T.W. Bowden, QC (Board Chair)
- D. Brent Adair, QC
- Janice Comeau
- Geoffrey Cowper, QC
- Barbara L. Fisher
- Leah George-Wilson
- Larry Goble
- Bruce Hardy
- John M. Hogg, QC
- Janice Comeau

Board appointments must take into account the need for the board to have a range of knowledge, skills, and experience in five areas:

- Management of public and private sector organizations
- Law, courts, and alternative dispute resolution processes
- Legal aid
- The cultural and geographic diversity of BC
- The special legal needs of people with low incomes

Core Services

LSS offers a continuum of services that includes legal information, education, advice, advocacy, and representation. These services are delivered through —

- staff at regional centres,
- local agents in smaller communities,
- a province-wide toll-free call centre,
- a province-wide toll-free legal information line (LawLINE),
- over 1,500 private bar lawyers,*
- various intermediaries, and
- non-profit agencies.

Most legal aid cases are in criminal law and are referred to private bar lawyers. In addition, the society contracts with private bar lawyers and other organizations to deliver services such as duty counsel.

Representation and advice services

Criminal, family, and immigration law

LSS provides legal representation for financially eligible people who —

- are charged with a criminal offence and face jail, loss of livelihood, or deportation if found guilty;
- are victims of domestic violence and likely need a restraining order;
- have a child or children who are at risk and a supervised access order or restraining order is needed to protect them;
- need a change to their current custody or access order to ensure their and/or their child(ren)'s safety;
- need a non-removal order to prevent their child(ren) from being permanently removed from the province;
- are parents and the Ministry of Children and Family Development has taken or is threatening to take their children away from them; or
- face a refugee or deportation hearing.†

* Defined as a lawyer that has accepted or billed an LSS referral in the last 24 months.

† The current Memorandum of Understanding with the provincial government does not provide for provincial government funding for immigration services beyond March 31, 2004. Extension of immigration services beyond this date requires an amendment to the agreement.

Mental health law

LSS provides legal representation at review panels for clients involuntarily detained under the Mental Health Act, and at BC Review Board hearings for clients found unfit to stand trial or not criminally responsible because of a mental disorder.

Prison law

LSS provides legal representation and assistance for prisoners as required under the Charter of Rights and Freedoms in situations where clients are unable to protect their own liberty interests in a prison setting.

Duty counsel

Staff and private bar lawyers provide clients with advice about the charges against them, court procedures, and their legal rights (including the right to counsel and the right to apply for legal aid). This service may include representation at hearings to enter a guilty plea or speak to sentence. LSS also provides family duty counsel in numerous courts across BC as part of a pilot project scheduled to continue to March 31, 2005 (see page 6).

Brydges line

LSS runs Brydges line, a province-wide toll-free telephone service providing prompt access to legal advice for people who are arrested or detained, or who are under active investigation by the police or other law enforcement agencies but are not yet charged and need emergency services.

Legal information services

Those who do not qualify for legal aid or whose legal problem is not covered by LSS can still get legal information. The society offers a range of information services. All regional centres, many local agent offices, and all government agents provide clients with computer access to these services.

Publications

LSS produces plain language publications about various aspects of the law. These are available at LSS regional centres and local agent offices, public libraries, and government agent offices, as well as from some community organizations. Many are also available online through LSS websites.

LawLINE

Staff of LawLINE, the society's province-wide, toll-free telephone service, provide low income individuals with information about the law and referrals to other information or services that can help them resolve their legal problems. A pilot project to enhance LawLINE with a program providing brief legal services began in September 2003 (see page 6).

Websites

LSS produces three websites:

- The LSS website provides information about the society and its services, as well as electronic publications about various aspects of the law.
  http://www.lss.bc.ca

- The *Family Law in British Columbia* website is dedicated to helping people understand and use the law to resolve their family law problems. It is also a resource for people who are trying to help friends or clients. The site includes plain language publications on family law matters, self-help materials, and more.
  http://www.familylaw.lss.bc.ca

- The *Electronic Law Library* provides links to legal information websites on topics ranging from Aboriginal law to young offenders.
  http://www.bcpl.gov.bc.ca/ell

LSS also supports PovNet, a searchable website for people on welfare, advocates, and community groups involved in anti-poverty work. PovNet provides information on and links to resources for a variety of issues affecting the rights of people with low incomes. http://www.povnet.org

Ongoing innovative projects for 2004/2005

Now recognized as one of the most innovative legal aid programs in North America, LSS responded to the substantial funding cuts of 2002 by developing new approaches to delivering legal aid in British Columbia. The operational plan for fiscal 2004/2005 calls for the continuation of five of the most promising and effective projects developed to streamline the delivery of legal aid, while striving to ensure affordable and accessible justice services for people with low incomes.

Family duty counsel

In the fall of 2002, LSS established family duty counsel pilot projects in provincial courts across BC. Family duty counsel can give advice to unrepresented clients and speak on their behalf in court on simple matters, but they do not provide representation at trial. The interim evaluations of this service model indicate high client satisfaction. Key respondents praised the projects for helping to resolve family cases in a timely and effective manner.

LawLINK

Innovative thinking led to the creation of LawLINK, a new way for LSS to provide clients with low-cost and sustainable access to legal information. This project includes the LawLINK website, an online legal information portal (http://www.lawlink.bc.ca), and a network of free public access computers clients can use to visit the website. These computers are located in all LSS regional centres, some local agent offices, and some courthouses. Clients can also access the website through government agent offices across BC. LSS is now evaluating how LawLINK clients use the Internet to find legal information, how helpful this information is for LawLINK clients, and how to reduce barriers to access.

Public legal education and information

Review of the Role of Public Legal Education in the Delivery of Justice Services, a 2002 report sponsored by the Ministry of Attorney General, made 16 recommendations regarding public legal education in British Columbia. To address some of these recommendations and to support collaboration and joint planning, LSS is providing leadership in creating the Public Legal Education and Information (PLEI) Working Group. The PLEI Working Group is committed to co-ordinating the efforts of member organizations to provide effective and efficiently delivered PLEI programs to British Columbians. It has commissioned a major study to map existing PLEI services and identify needs.

LawLINE enhancements

In September 2003, LSS initiated a pilot project to expand LawLINE services to include brief legal services such as legal advice, help with correspondence and documents, and phone calls to third parties on a client's behalf. LSS will conduct an interim evaluation of these services before the end of the fiscal year. This project will continue through March 2005.

Strategic performance measurement

LSS is committed to a survey program to gather feedback from key stakeholders that will be used to develop meaningful performance measures. These performance measures will document the society's progress toward achieving the strategic goals and objectives laid out in its service plans. The surveys planned for this initiative include a tariff lawyer satisfaction survey, an employee satisfaction survey, a client satisfaction survey, and an intermediary satisfaction survey (see pages 12 to 14).

Strategic Context

Mission

To assist low income individuals to resolve their legal problems by providing a spectrum of services that promotes their effective participation in the justice system.

Vision

An innovative, collaborative legal aid system responding to the needs of low income people throughout BC.

Values statement

Making a difference through leadership, respect, and working with others.

Mandate

The Legal Services Society Act provides the governance framework for LSS and establishes its mandate to —

- help low income individuals resolve their legal problems and facilitate access to justice for them,
- establish and administer an effective and efficient system for providing legal aid to low income individuals in BC, and
- provide advice about legal aid to the Attorney General.

Planning Context and Key Strategic Issues

An environmental scan and risk analysis conducted by the society's executive management committee in the fall of 2003 identified the main factors that will affect the society's ability to achieve its objectives in the next three years. The key strategic issues for LSS are the following:

1. New service delivery model

Although LSS successfully completed its transition last year on schedule and within budget, it is still evaluating and learning how best to utilize the new service delivery model. Prior to the significant changes to the operating budget in 2002, LSS operated with a model that included offices in over 60 communities. The new service model consists of —

- seven regional centres in larger cities,
- over 20 local agents in smaller communities,
- over 1,500 private bar lawyers,
- a province-wide toll-free call centre,
- a province-wide toll-free legal information line (LawLINE), and
- more than 50 government agents.

The inaugural business cycle under this new model is not yet complete. The society, with its board of directors and community partners, is still defining its policies, processes, and plans. As well, LSS continues to review the staffing and capacity levels required to deliver services under this model. Some management processes are not yet fully in place (for example, divisional plans and performance reviews), and there remains a need for greater stability within the society.

2. Opportunities for innovation and collaboration

LSS has embraced the restructuring and re-alignment of services that resulted from the government's core review process, and is now well positioned to carry out its mandate as the central provider of legal aid to low income individuals in BC. Through this transition, LSS has retained and continued to build its credibility, both within the society and externally with its partners and clients (see #3, below). As a result, stakeholders recognize the value of their relationship with LSS and see the society as a partner in developing new ways of meeting the legal needs of low income individuals. This collaborative environment offers great opportunity for sector-wide planning to increase the efficiency and effectiveness of services.

3. Reputation and credibility

LSS has worked to earn credibility and build a strong relationship with both its funders and the wider community. Its relationship with the Ministry of Attorney General has also grown more collaborative in recent years. LSS is seen as an enterprising organization that can get things done and expend funds appropriately. This credibility gives LSS influence with external groups and enables it to continue to find collaborative ways to meet its mandate (see #2, above). LSS must work to protect and preserve its credibility by continuing to focus its resources on client priorities, by being accountable and consultative, and by keeping its stakeholders informed.

4. Culture

LSS is fortunate to have a high percentage of long-serving, committed, and skilled employees who demonstrate a high level of expertise. The society wants to retain these employees, and continue to nurture a culture in which employees feel they can be a meaningful part of both the organization's success and their own personal growth and development. LSS is also fortunate to have a board that is engaged, caring, and knowledgeable, that embraces its role in achieving the society's goals, and that is open to innovation.

5. Funding model

The policies of funders and criteria for the use of contributed funds can sometimes restrict the society's ability to allocate dollars to long-term innovative initiatives. This can lead to an overemphasis on short-term (project) thinking, which lacks the stability and consistency required for proper planning. It can also affect the society's ability to bring about some of the more fundamental improvements needed in the legal aid and justice systems.

6. Tariff system pressure

Over the past several years, there has been a decline in the number of private bar lawyers who are willing to accept legal aid referrals. The growing length and complexity of court cases and low tariff rates make it increasingly uneconomical for lawyers to represent LSS clients. Tariff rates in BC have remained unchanged despite increases in inflation and court case complexity. The growing stress within the tariff system represents a major risk for LSS, as the delivery of legal aid is highly dependent upon having an available pool of skilled tariff lawyers.

7. Justice reform

The justice system in BC is in a state of change. There is broad recognition of the critical need for justice system renewal and for consultations to identify the necessary changes. As the key legal aid provider and a respected partner in the justice system, LSS is well positioned to influence justice reform as it relates to low income individuals. At the same time, changes in the justice system may result in increased demand and increased costs for LSS. Reform may also reduce the society's flexibility to allocate funding and services where it feels they will be most effective.

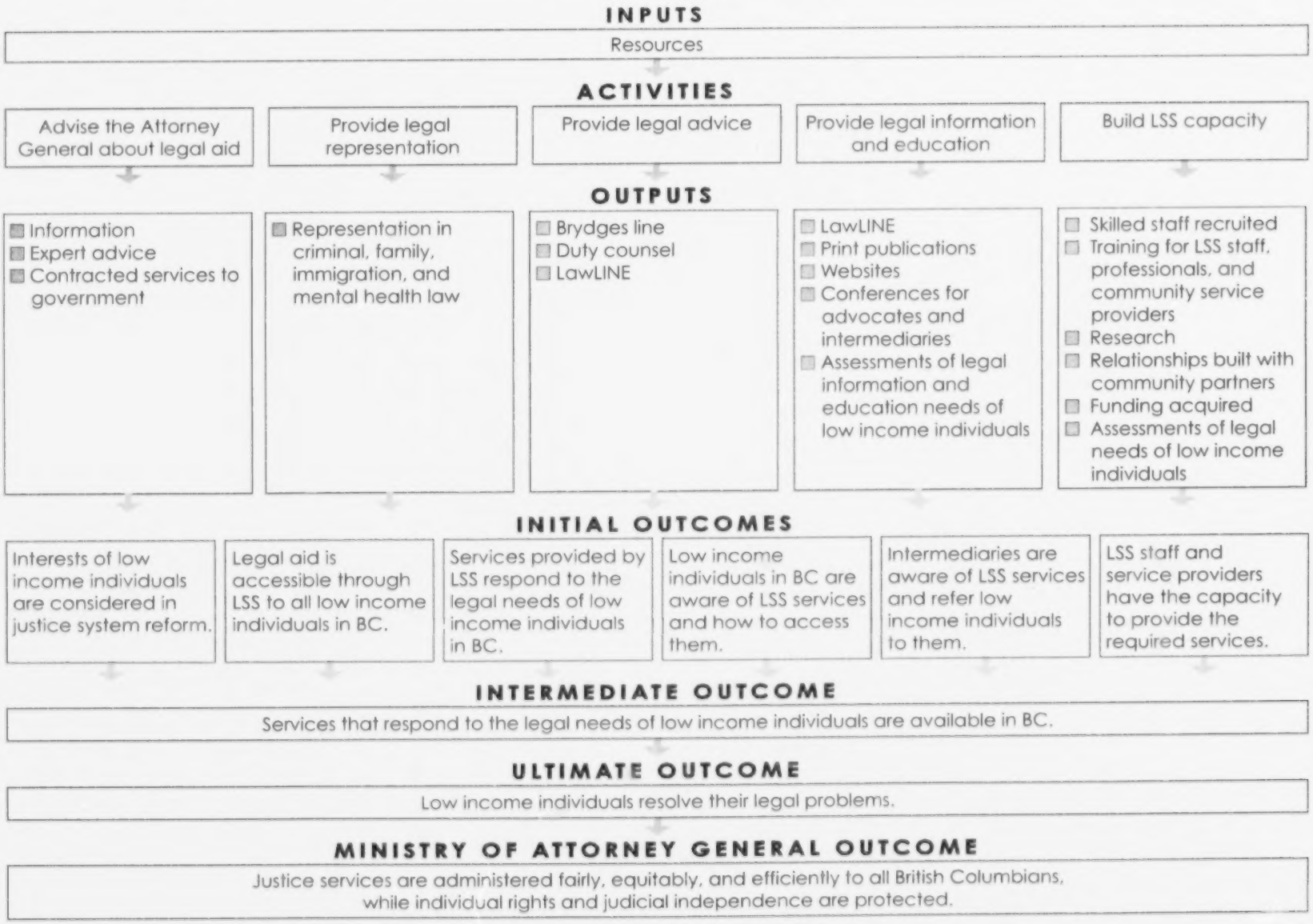
The Legal Services Society Logic Model

As the initial step in revising its service plan for 2004/2005 – 2006/2007, LSS developed a logic model (see Figure 1 on next page). This model outlines how, through a logical chain of inputs, activities, outputs, and outcomes, the society's work will help low income individuals resolve their legal problems ("ultimate outcome"). To create the logic model, LSS first clarified what it wanted to achieve ("initial outcomes"), and then identified the activities it believes will lead to these outcomes.

The completed logic model provided the foundation upon which this service plan was built. LSS established its goals and objectives (see pages 12 to 14) to align with the model's initial and intermediate outcomes. The society also used the model to design performance measures for evaluating how well its objectives are being realized.

This process led to a results-based and client-focused plan to achieve the society's vision of "an innovative, collaborative legal aid system responding to the needs of low income people throughout BC."

Figure 1: The Legal Services Society Logic Model


INPUTS
Resources
ACTIVITIES
Advise the Attorney General about legal aid
Provide legal representation
Provide legal advice
Provide legal information and education
Build LSS capacity
OUTPUTS
Information
Expert advice
Contracted services to government
Representation in criminal, family, immigration, and mental health law
Brydges line
Duty counsel
LawLINE
LawLINE
Print publications
Websites
Conferences for advocates and intermediaries
Assessments of legal information and education needs of low income individuals
Skilled staff recruited
Training for LSS staff, professionals, and community service providers
Research
Relationships built with community partners
Funding acquired
Assessments of legal needs of low income individuals
INITIAL OUTCOMES
Interests of low income individuals are considered in justice system reform.
Legal aid is accessible through LSS to all low income individuals in BC.
Services provided by LSS respond to the legal needs of low income individuals in BC.
Low income individuals in BC are aware of LSS services and how to access them.
Intermediaries are aware of LSS services and refer low income individuals to them.
LSS staff and service providers have the capacity to provide the required services.
INTERMEDIATE OUTCOME
Services that respond to the legal needs of low income individuals are available in BC.
ULTIMATE OUTCOME
Low income individuals resolve their legal problems.
MINISTRY OF ATTORNEY GENERAL OUTCOME
Justice services are administered fairly, equitably, and efficiently to all British Columbians, while individual rights and judicial independence are protected.

Goals, Objectives, Key Strategies, Performance Measures and Targets

Our long-term goal

Services that respond to the legal needs of low income individuals are available in BC.

Objective 1

Build the necessary capacity in LSS staff, systems and processes, professionals, and service providers to provide required services.

Objective #1: Strategies

1.1 Conduct business process reviews in key service areas
1.2 Assess employee satisfaction
1.3 Assess tariff lawyer satisfaction
1.4 Assess organizational and individual workload and capacity
1.5 Complete performance reviews and training plans for each staff member annually

Objective 1: Performance measures and targets				
Measure	**Baseline/ Current year**	**2004/2005**	**2005/2006**	**2006/2007**
Overall rating by LSS tariff lawyers of their satisfaction with the support provided by LSS	Establish baseline	Not measured this year	Not measured this year	Improve on baseline
Overall LSS employee satisfaction rating	Under development	Establish baseline	Not measured this year	Not measured this year

Objective 2

Improve the responsiveness of LSS services to the legal needs of low income individuals.

Objective 2: Strategies

2.1 Actively seek the input of justice system partners into LSS priorities
2.2 Assess the legal needs of low income individuals in BC and their satisfaction with the response of LSS to these needs
2.3 Re-assess client eligibility
2.4 Conduct a tariff review

Objective 2: Performance measures and targets				
Measure	**Baseline/ Current year**	**2004/2005**	**2005/2006**	**2006/2007**
Overall rating by clients of their satisfaction with LSS services	Under development	Under development	Establish baseline	Not measured this year
Overall rating by intermediaries of how LSS responds to the legal needs of low income individuals in BC	Under development	Establish baseline	Not measured this year	Not measured this year

Objective 3

Increase awareness of LSS services among intermediaries so that more low income individuals are referred to appropriate LSS services.

Objective 3: Strategies

3.1 Identify collaboration opportunities with key intermediaries

Objective 3: Performance measures and targets				
Measure	**Baseline/ Current year**	**2004/2005**	**2005/2006**	**2006/2007**
Overall rating by intermediaries of their level of awareness of LSS services	Under development	Establish baseline	Not measured this year	Not measured this year

Objective 4

Apply LSS influence to ensure the legal needs of low income individuals are considered in justice system reform.

Objective 4: Strategies

4.1 Seek LSS representation in justice system forums where decisions that will affect low income individuals in BC are considered

Objective 4: Performance measures and targets				
Measure	**Baseline/ Current year**	**2004/2005**	**2005/2006**	**2006/2007**
Resources utilized by LSS on justice reform activities	Under development	Establish baseline	Improve on baseline	Improve on baseline

Alignment with Government's Strategic Plan

Goal 2 of the BC government's 2003/2004 – 2005/2006 strategic plan establishes the government's intent to create "a supportive social fabric" for the province and its people. A key part of this, as identified in the strategic plan, is that British Columbians will be treated with dignity and respect, and will have an accessible, efficient, fair, and affordable system of justice.

LSS supports this goal by providing services to meet the legal needs of low income individuals in BC, and by using its influence to ensure that their legal needs are given due consideration in justice system reform. In addition, LSS provides the Attorney General with information and expert advice to inform justice system decisions affecting low income individuals.

In its strategic plan, the government also identifies two specific courses of action it will follow to create a fair and efficient system of justice for British Columbia:

- Increase the use of technology to streamline court processes and facilitate access to justice
- Ensure criminal cases move through the justice system in a timely and efficient manner

LSS contributes to the first of these through wide use of the Internet to provide access to legal information and education for lawyers and citizens, and through E-Billing to support the efficient provision of representation and advice for low income individuals. In addition, LSS delivers innovative call centre and legal information services using telecommunications technology.

The society's large case management program and quality assurance (QA) program support the government's second objective. Large case management ensures the efficient allocation of resources to publicly funded criminal defences, and QA makes sure lawyers have the resources they need to resolve issues early in the court proceedings.

Summary Financial Outlook

Legal Services Society summary financial outlook 2004/2005 – 2006/2007			
	2004/2005	**2005/2006**	**2006/2007**
Revenue			
Revenue before claims *	$61,353,500	$61,353,500	$61,353,500
Claims revenue	4,299,577	3,296,989	3,296,989
Total revenue from all sources	**65,653,077**	**64,650,489**	**64,650,489**
Expenditures			
Expenditures before claims			
Contracted representation services and support	41,687,300	41,571,800	41,691,700
Initiatives and other expenses	19,666,200	19,781,700	19,661,800
	61,353,500	61,353,500	61,353,500
Claims expenditures	4,299,577	3,296,989	3,296,989
Total expenditures from all sources	**65,653,077**	**64,650,489**	**64,650,489**
Surplus (Deficit)	$ -	$ -	$ -

* See key assumption #2 below for information on claims.

Key assumptions for 2004/2005:	Risks and sensitivities:
1. The MOU agreement will be amended to reflect the LSS Board-approved budget, including providing $1.7 million for immigration services starting in 2004/2005.	1. Unanticipated increases in the volume of cases.†
2. The budget structure reflects that LSS will submit claims to the province for large federally prosecuted cases and for federal investment fund initiatives. The assumption is that the initiatives proposed in the *LSS Investment Fund Business Plan* submitted to the federal government will qualify for funding under the federal-provincial cost-sharing agreement, and that funding will flow from the federal to the provincial government so that LSS may be reimbursed for expenditures related to those initiatives.	2. Inflationary pressures. 3. The costs and/or timing of exceptional cases are difficult to forecast.

† In the past, events such as the arrival of a large number of refugees and the simultaneous arrest of a significant number of protestors have created sudden increases in the volume of cases.

Appendix 1: Alignment with Former Objectives

The 2003/2004 – 2005/2006 service plan of the Legal Services Society listed eight strategic objectives that had been identified as part of its strategic planning process.

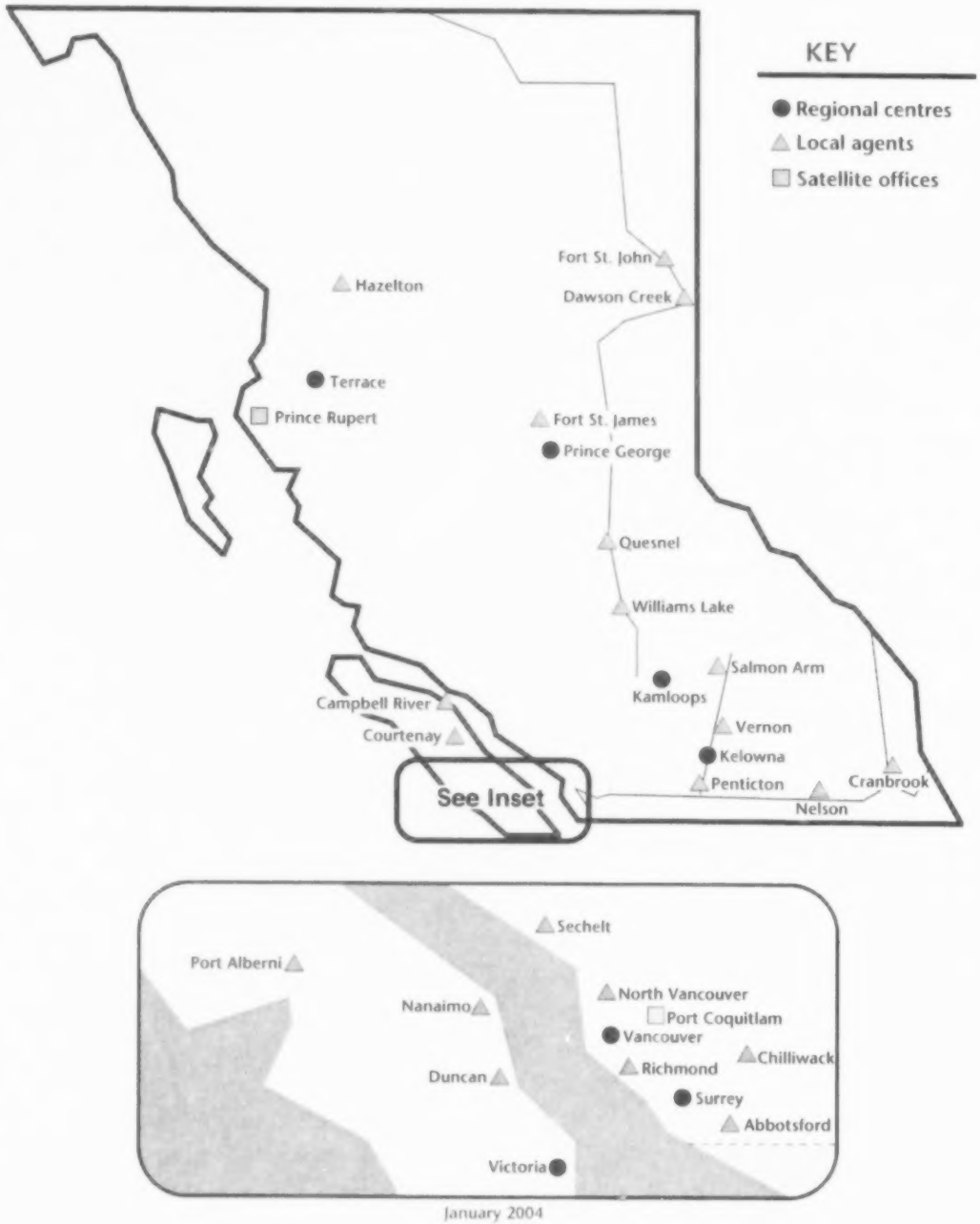
For most of 2002 LSS was focused on the restructuring necessitated by a reduced level of funding, and so produced the 2003/2004 – 2005/2006 service plan very early in the planning process. The plan acknowledged several incomplete planning phases, including the identification of key strategic issues and related strategies and performance measures.

Since that time, much has been accomplished in planning. LSS has completed a logic model to help clearly identify its intended results and has used this to clarify and further develop its goals and objectives. In addition, the society has completed a thorough environmental scan to identify the primary risks and opportunities it faces in the next few years. Strategies have been developed to address these key strategic issues, and performance measures and targets have been identified for use in assessing the society's performance in achieving its objectives. In addition, the society has revised its planning format and terminology to align with the guidelines and templates provided by the Crown Agencies Secretariat.

As a result, the eight strategic objectives from the original LSS Strategic Plan have been absorbed into this service plan and are reflected within its vision, goal, objectives, and strategies. The table on the next page illustrates the transition of the eight strategic objectives from the earlier planning format to this 2004/2005 – 2006/2007 service plan.

Status of LSS strategic objectives in 2004/2005 – 2006/2007 service plan	
Strategic objective	**Status in service plan**
1. Develop and continually improve an integrated legal aid system that provides a range of high quality legal services responsive to the needs of low income individuals.	Forms part of the current Vision (page 7) and Objective 2 (page 13).
2. Identify and assess the legal needs of low income individuals in BC, and increase awareness of the services provided by LSS.	Forms part of Objective 3 (page 13) and the strategies of Objective 2 (page 13).
3. Secure sufficient funding from diverse sources for LSS to fulfil its mandate and be accountable for the use of that funding.	Forms part of Objective 2 (page 13).
4. Develop and retain staff who work to their potential to meet the society's objectives, and expand the capacity of legal professionals and other service providers to assist low income individuals to resolve their legal problems.	Forms part of Objective 1 (page 12).
5. Build and maintain relationships with communities to enhance our mutual ability to meet the needs of people with low incomes.	Forms part of Objective 3 (page 13).
6. Have a presence in all regions of British Columbia through people and technology.	Forms part of Objectives 2 (page 13) and 4 (page 14).
7. Develop, implement, and evaluate innovative approaches for the improved delivery of legal services.	Forms part of Objective 2 (page 13).
8. Work with others for justice system reform, and, in doing so, advocate for the interests of low income individuals.	Forms part of Objective 4 (page 14).

Map of Legal Aid Offices



January 2004